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9 Attorneys for United States of America

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA,)

14 Plaintiff,)

15 v.)

16 SALAMEH ISSA DABAI,)

17 Defendant.)
18 _____)
19
20

No. CR 3 - 05 - 71011 EDL

~~PROPOSED~~ SPEEDY TRIAL ORDER

21 WHEREAS, SALAMEH ISSA DABAI ("Dabai") is charged in a criminal complaint
22 with violation of 18 U.S.C. § 371, in an action brought by the United States Postal Inspection
23 Service;

24 WHEREAS, Dabai made his initial appearance on the aforesaid criminal complaint,
25 before the Honorable Joseph Spero, on January 30, 2006, and was released on a bond;

26 WHEREAS, the parties previously entered into a stipulation and order waiving time
27 under Rule 5.1 as well as excluding time under 18 U.S.C. § 3161 through May 12, 2006, in order
28 to provide for effective preparation of counsel;

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FILED

06 MAY 12 AM 10:43

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

1 WHEREAS, government counsel will be out of the office on extended family medical
2 leave through mid-June 2006;

3 WHEREAS, the government is agreeable to delaying indictment in order to provide
4 Dabai and his attorney the opportunity to review discovery, and where, since arrest preceded
5 indictment in this matter, it is unreasonable to expect return and filing of the indictment within
6 the period specified in section 3161(b), and further where it is in the defendant's best interest to
7 waive time under both Rule 5.1 to allow time for a resolution and disposition short of indictment
8 for a further six (6) weeks, through Friday, June 30, 2006;

9 THEREFORE, the parties agree and stipulate as follows:

- 10 1. Dabai hereby again waives his right to have a preliminary hearing conducted
11 within 20 days of his initial appearance while out of custody, pursuant to Rule
12 5.1(c)-(d) of the Federal Rules of Criminal Procedure, taking into account the
13 public's interest in the prompt disposition of criminal cases and for good cause
14 shown;
- 15 2. Dabai hereby again waives his right to have all of the charges contained in the
16 criminal complaint on which he made his initial appearance on January 30, 2006,
17 indicted within thirty days of his initial appearance, which including prior
18 exclusions of time, would be May 12, 2006, as required by 18 U.S.C. § 3161(b);
- 19 3. The government and Dabai hereby agree that any indictment by the government,
20 as to charges contained in the criminal complaint, must be filed no later than
21 **June 30, 2006**, pursuant to section 3161(h)(8)(B)(iii);
- 22 4. The government and Dabai hereby mutually agree that any preliminary hearing
23 and/or arraignment be held no later than **June 30, 2006**;

24 The undersigned parties, by and through their counsel, hereby agree and stipulate that
25 this waiver of time under Rule 5.1 of the Federal Rules of Criminal Procedure and section
26 3161(b) of the Speedy Trial Act shall remain in place until June 30, 2006, because this is a case
27 in which arrest preceded indictment, such that delay in the filing of the indictment is caused
28 because the arrest occurred at time that is unreasonable to expect return and filing of the

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1 indictment as to all of the charges contained in the criminal complaint, within the period
2 specified in section 3161(b), pursuant to 18 U.S.C. § 3161(h)(8)(B)(iii).

3 Moreover, in light of defense counsel's ongoing efforts to review discovery provided by
4 the government, such that good cause has been shown to continue the date for defendant's
5 preliminary hearing taking into account the public's interest in the prompt disposition of criminal
6 cases, pursuant to F. R. Cr. P. Rule 5.1(d), and further, because this waiver of time will ensure
7 effective preparation of counsel taking into account the exercise of due diligence, such that the
8 ends of justice are served by granting this continuance outweighs the best interest of the public
9 and the defendant in a speedy trial, pursuant to 18 U.S.C. §§ 3161(h)(8)(A), 3161 (h)(8)(B)(iv).

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11 **IT IS SO STIPULATED.**

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16 BRIAN GETZ
17 for Defendant Salameh Issa Dabai

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KEVIN V. RYAN
United States Attorney


TIMOTHY LUCEY
Assistant United States Attorney

IT IS SO ORDERED.

Dated: May 4, 2006


HON. ELIZABETH D. LAPORTE
United States Magistrate